

CLERK'S Cert of Transmittal and of t/following:

10/11/95 1 Complaint Filed; Summons(es) issued to attorney (referred to Magistrate Leo S. Papas) Receipt No/Amt of Fee: #18275/\$120 (cg) [Entry date 10/20/95]

11/1/95 2 Notice of and Motion by defendant Caterpillar Inc to dismiss complaint, and to strike, or in the alternative for more definite statementt/w prf of svc [motion(s) referred to Judge Judith N. Keep]; hrg set for 2/26/96 at 10:30 am Courtroom 6. (mam) [Entry date 11/09/95]

11/1/95 3 Memorandum of points and authorities by defendant Caterpillar Inc in support of motion to dismiss complaint [2-1], in support of motion to strike [2-2], in support of motion for more definite statement [2-3] t/w prf of svc; hrg set for 2/26/96 at 10:30 am Courtroom 6. (mam) [Entry date 11/09/95]

11/20/95 4 Return of Service executed upon defendant Caterpillar Inc on 10/12/95 (cg) [Entry date 11/24/95]

1/29/96 5 Attorney Substitution: terminating attorney for Laura Z Fishing Co and substituting attorney Edward C Walton. t/w prf svc (cg) [Entry date 01/31/96]

2/7/96 6 Order by Judge Judith N. Keep withdrawing attorney for Margaret Z Fishing and substituting attorney Edward C Walton t/w prf svc (ml) [Entry date 02/08/96]

2/7/96 7 Order by Judge Judith N. Keep withdrawing attorney for Marisa Z Fishing Co and substituting attorney Edward C Walton t/w prf svc (ml) [Entry date 02/08/96]

2/9/96 8 Memorandum of P/A's by plaintiff Margaret Z Fishing, plaintiff Laura Z Fishing Co, plaintiff Marisa Z Fishing Co in opposition to motion to dismiss complaint [2-1], to motion to strike [2-2] t/w prf svc (ml) [Entry date 02/12/96]

2/16/96 9 Reply by defendant Caterpillar Inc to opposition to motion to dismiss complaint [2-1], motion to strike [2-2], motion for more definite statement [2-3]. t/w prf svc (cg) [Entry date 02/21/96]

2/22/96 10 Withdrawal by defendant Caterpillar Inc of motion to dismiss complaint [2-1], motion to strike [2-2], motion for more definite statement [2-3]. t/w prf svc (cg) [Entry date 02/26/96]

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2/26/96 11 Stipulation to filing of amended complaint. Parties to this action agree that judicial resources will be best served if aft's motion to dismiss and motion to strike currently scheduled for hearing on 2/26/96 is taken off calendar to permit plas' to file an amended complaint. Pursuant to this stipulation, dft will withdraw its motion and plas' will file an amended complaint on or before 3/8/96. Filed by FAX (cg) [Entry date 02/28/96]

2/26/96 12 Order by Judge Judith N. Keep motion to dismiss complaint [2-1], motion to strike [2-2], motion for more definite statement [2-3] is taken off calendar and that plas' have until 3/8/96 to file an amended complaint (cc: all counsel) (cg) [Entry date 02/28/96]

3/8/96 13 First Amended complaint [1-1] (acr) [Entry date 03/12/96]

3/25/96 14 Notice of Motion and Motion t/w prf svc by defendant Caterpillar Inc to dismiss pursuant to FRCvP 9(b), AND to strike pursuant to FRCvP 12(f), OR for more definite statement pursuant to FRCvP 12(e) [motion(s) referred to Judge Judith N. Keep] set for 7/8/96 at 10:30 am. (acr)

[Entry date 03/27/96]

3/25/96 15 Memorandum of points and authorities by defendant Caterpillar Inc in support of motion to dismiss pursuant to FRCvP 9(b) [14-1], in support of motion to strike pursuant to FRCvP 12(f) [14-2], in support of motion for more definite statement pursuant to FRCvP 12(e) [14-3] (acr)

[Entry date 03/27/96]

4/11/96 16 Stipulated confidentiality agreement and Protective Order by Judge Judith N. Keep. It is the responsibility of the party filing material designated as "confidential" to ensure that the material is properly sealed prior to submission to this court. (cc: all counsel) (acr)

[Entry date 04/18/96]

/21/96 17 Opposition by plaintiff Margaret Z Fishing, plaintiff Laura Z Fishing Co, plaintiff Marisa Z Fishing Co to motion to dismiss pursuant to FRCvP 9(b) [14-1], motion to strike pursuant to FRCvP 12(f) [14-2], motion for more definite statement pursuant to FRCvP 12(e) [14-3] t/w exh and prf svc (db) [Entry date 06/26/96]

-/8/96 18 Minutes: Enter Order by Judge Judith N. Keep: in court hearing held: granting motion to dismiss pursuant to FRCvP 9(b) [14-1], granting motion to strike pursuant to FRCvP 12(f) [14-2] granting motion for more definite statement pursuant to FRCvP 12(e) [14-3]; Pla has 30 days from this date to amend. Counsel for the dfts' to submit proposed order within 5 days Court Reporter: Renee Green (cg)

[Entry date 07/15/96]

1 RAN OF

7/19/96 19 Notice of Ruling Order by Judge Judith N. Keep: granting motion to dismiss pla's first claim for relief and paragraph 3 of the prayer of the amended complaint based upon fraud and concealment pursuant to FRCvP 9(b) [14-1], with 30 days leave to amend the amended complaint from July 8,1996 (cc: all counsel) (cg) [Entry date 07/22/96]

[Edit date 07/22/96]

8/14/96 20 Stipulation and Order by Judge Judith N. Keep: pla's first claim for relief and paragraph 3 of prayer of amd amp be disp w/o prejudice to plas bringing a noticed motion to reinstate these claims; dfts have 30 days from 8/7/96 w/in which to answer the remaining causes of action in amd cmp (cc: all counsel) (db) [Entry date 08/15/96]

9/6/96 22 Answer by defendant Caterpillar Inc to first amended complaint t/w prf eve (cg) [Entry date 09/10/96]

9/10/96 21 Notice and Order by Magistrate Leo S. Papas E.N.E. Conference set for 3:00 10/3/96 (cc: all counsel) (cg)

9/18/96 23 Minutes: Enter Order by Magistrate Leo S. Papas: Magistrate Papas recuses himself and req another Magistrate be assigned Case referred to Magistrate Cynthia G. Aaron, E.N.E. Conference set for 3:00 10/3/96 is off calendar (cc: all counsel) Court Reporter: n/a (db)

[Entry date 09/20/96]

9/20/96 24 Notice and Order by Magistrate Cynthia G. Aaron E.N.E. Conference set for 10:00 10/29/96 Cnsl is responsible for interpreters at conf. Plas' cnsl shall give notice of ENE to parties responding to amp after 9/6/96 (cc: all counsel) (db)

9/24/96 25 Minutes: Enter Order by Magistrate Cynthia G. Aaron E.N.E. Conference reset for 10:00 11/12/96 (cc: all counsel) (cg) [Entry date 09/30/96]

10/21/96 26 Notice by plaintiff Margaret Z Fishing, plaintiff Laura Z Fishing Co, plaintiff Marisa Z Fishing Co of association of Law Firm Post Kirby Noonan and Sweat LLP (cg)

[Entry date 10/23/96]

11/15/96 27 Order by Magistrate Cynthia G. Aaron E.N.E. Conference held 10:00 11/12/96; Telephonic Case Management Conference set for 3:00 12/11/96, cns1 to appear in person, parties may appear telephonically (cc: all counsel) (db)

[Entry date 11/18/96]

12/11/96 28 Minutes: Enter Order by Magistrate Cynthia G. Aaron; Case Management Conference held in chambers and continued for a telephonic conf 3:30 1/15/97; bankruptcy trustee will decide if this action is to proceed by 12/20/96 (cc: all counsel) (hi) [Entry date 01/03/97]

1/16/97 29 Case Management Conference Order Regulating Discovery And Other Pretrial Proceedings by Magistrate Cynthia G. Aaron: E.N.E. and case management conf held.; Discovery complete by 10/17/97 ; Settlement conference set for 9:00 4/23/97; atty for bankruptcy trustee may appear telephonically and ct to initiate call; Pretrial orders prepare, serve and lodge by 1/19/98 ; Pretrial conf set for 10:30 1/26/98, ; mandatory settlement conf hearing set for 10:00 12/15/97; counsel shall submit confidential settlement statements directly to ct by 12/8/97; 1st expert list 7/18/97; 2nd expert list 7/25/97; supplemental designation file by 8/1/97; report for expert witnesses file by 8/15/97; supplement disclosure re contradictory or rebuttal evidence pursuant to FRCP 26(a)(2)(c) file by 9/19/97; all other pretrial motions file by 12/1/97; memo of contentions of fact and law by LR 16.1(f)(3) file by 1/12/98; counsel to meet and take action by LR 16.1(f)(7); motions to join, amend or to file addLl pleadings file by 2/18/97; pla's counsel shall serve copy of order on all parties that enter this case hereafter (cc: all counsel) (rye)

[Entry date 01/22/97]

4/22/97 30 Minutes: Enter Order by Magistrate Cynthia G. Aaron;; Settlement conference rescheduled to 1:30 7/23/97; all cns1 have been notified by cns1 for pla; (rec'd 5/2/97) (cc: all counsel) (rye) [Entry date 05/02/97]

[Edit date 05/02/97]

6/16/97 31 Notice of Motion and Motion by defendant Caterpillar Inc to transfer venue for convenience (28 USC Section 1404(A) [motion(s) referred to Judge Judith N. Keep]; motion hrg set for 9/2/97 at 10:30 t/w prf of svc (rye)

[Entry date 06/17/97]

6/16/97 32 Memorandum of points and authorities by defendant Caterpillar Inc in support of motion to transfer venue for convenience (28 USC Section 1404(A) [31-1] t/w prf of svc (rye) [Entry date 06/17/97]

=/16/97 33 Declaration of Bruce G. Shanahan by defendant Caterpillar Inc in support of motion to transfer venue for convenience (28 USC Section 1404(A) [31-1] t/w exhibits & prf of svc (rye) [Entry date 06/17/97]

6/26/97 34 Notice of Ex Parte Application and Ex Parte Application for order granting an expedited hearing date of the motion to transfer venue for convenience by defendant Caterpillar Inc t/w prf of svc (rye) [Entry date 06/27/97]

6/26/97 35 Memorandum of points and authorities by defendant Caterpillar Inc in support of application [34-1] tlw prf of svc (rye) [Entry date 06/27/97]

6/26/97 36 Declaration of Bruce G. Shanahan by defendant Caterpillar Inc re application [34-1] t/w prf of svc (rye)

[Entry date 06/27/97]

6/30/97 37 Proof of service by defendant Caterpillar Inc of: ex parse application pleadings t/w prf of svc (rye)

[Entry date 07/01/97]
6/30/97 38 Proof of service by defendant Caterpillar Inc of: motion to transfer pleadings t/w prf of svc (rye)
[Entry date 07/01/97]
6/30/97 39 Notice regarding dates as set forth in ex parse application for order granting an expedited hearing date of the motion to transfer venue for convenience by defendant Caterpillar Inc t/w prf of svc (rye) [Entry date 07/01/97]
7/2/97 40 Order by Judge Judith N. Keep denying aft's application for an expedited hrg date [34-1] (cc: all counsel) (rye)
[Edit date 07/11/97]
7/3/97 41 Order by Judge Judith N. Keep: Case reassigned to Judge Jeffrey T. Miller vacating hearing re motion to transfer venue for convenience (28 USC Section 1404(A) [31-1] and referring [motion(s) to Judge Jeffrey T. Miller] (cc: all counsel) (rye)
7/15/97 42 Minutes: Enter Order by Judge Jeffrey T. Miller Case reassigned to Judge Judith N. Keep (cc: all counsel) (bar)
[Entry date 07/16/97]
7/21/97 43 Minutes: Enter Order by Magistrate Cynthia G. Aaron: Settlement conference rescheduled for 1:30 9/22/97; atty Shanahan shall notify all cns1 telephonically (cc: all counsel) (rye) [Entry date 07/25/97]
'/22/97 44 Notice of continued settlement conf by defendant Caterpillar Inc t/w prf of svc (rye) [Entry date 07/25/97]
'/25/97 45 Notice of change of firm name and address by plaintiffs to Walton & Associates, 402 West Broadway, Suite 1210, San Diego, CA 92101; the telephone and telefax numbers remain the same t/w decl of svc (rye) [Entry date 07/28/97]
3/21/97 46 Stipulation Between Parties To Extend Expert Designation, Expert Disclosure Dates, Discovery Cut-Off Date and Order by Magistrate Cynthia G. Aaron: Pla to serve list of trial experts by 9/9/97; dft to serve list of trial experts by 9/16/97; expert disclosure served by 9/23/97; Discovery cut-off continued to 11/21/97 (cc: all counsel) (rye)
3/28/97 47 Notice of Non-opposition by plaintiffs to motion to transfer venue for convenience (28 USC Section 1404(A) [31-1] (rye) [Entry date 08/29/97]
8/28/97 48 Proof of service by plaintiff of: document no [47-1] (rye)
[Entry date 08/29/97]
9/3/97 49 Order by Judge Judith N. Keep granting aft's motion to transfer venue for convenience [31-1]. It is ordered that the case be transferred to the USDC for the Dist of Guam, Case transferred to Dist of Guam, the entire case file, certified copy of the and order forwarded to the USDC for the Dist of Guam (cc: all counsel) (rye)
[Entry date 09/05/97] [Edit date 09/09/97]
9/9/97 50 Clerks Judgment: Granting aft's motion to transfer venue for convenience pursuant to (28 USC Section 1404(A) [31-1]. It is ordered that the case be transferred to the USDC for the Dist of Guam, terminating case (cc: all counsel) (rye)